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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,304	09/29/2000	Neelakantan Sundaresan	AM9-99-0146	2605

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,304

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5-11, 13-19 and 21-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Dmitriy Meyerzon (U.S. Patent No. 6,424,966 and Meyerzon hereinafter).

Regarding Claims 1, 17 and 23, Meyerzon teaches:
accessing a first file on the network (Col 18, Lines 49-53)
downloading data from the first file (Col 18, Lines 65-67)
setting an access time (Figure 5B, Element 556 and 564, i.e. update history map with URL and timestamp; see also Col 3, Lines 37-49; see also Col 19, Lines 11-13,

detecting when) to access a second file (Col 19, Lines 23-24, i.e. second copy) based on data downloaded from the first file (Col 19, Lines 11-18, i.e. changes has been made to the original information content).

Regarding Claims 2, 9 and 18, Meyerzon teaches wherein the second file is the same the first file (Col 19, Lines 22-24, i.e. second copy of the source electronic document).

Regarding Claims 3, 10-11 and 19, Meyerzon teaches selecting a second file to download (Col 19, Lines 22-26, i.e. retrieving a second copy...updating at least some of the original information content in the data store) based on said data downloaded from the first file (Col 19, Lines 11-18).

Regarding Claims 5, 6, 13, 15-16 and 21-22, the limitations of these Claims are similar in scope to the rejected claim 1, above. In addition Meyerzon teaches analyzing the data from the first file to determine when a second file is schedule to be updated (Col 19, Lines 24-26; see also Col 19, Lines 61-67 through Col 20, Lines 1-2).

Regarding Claim 7, the limitations of this Claim is similar in scope to the rejected claim 1, above. In addition Meyerzon teaches accessing a server (Figure 2, Element 218).

Regarding Claim 8, the limitations of this Claim is similar in scope to the rejected claims 1 and 7, above. It is therefore rejected as set forth above.

Regarding Claim 14, Meyerzon teaches accessing time is after the schedule time (Figure 5B, Element 556).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 12 and 20, is rejected under 35 U.S.C. 103(a) as being unpatentable over Dmitriy Meyerzon (U.S. Patent No. 6,424,966 and Meyerzon hereinafter).

Regarding Claims 4, 12 and 20, Meyerzon does not explicitly indicate wherein the first file comprises a channel definition file (CDF). However the reference does teach files in general and also talks about HTML documents being retrieved (Col 19, Lines 44-45, i.e. initialization crawl; see also Col 19, Lines 46-47, i.e. document address specification; see also Col 4, Lines 62-67 through Col 5, Lines 1-5, i.e. examples of these data resources include files, HTML documents, database entries, mail messages and meta-documents such as file system directories and mail folders; see also Col 14, Lines 66-67 through Col 15, Lines 1-4, i.e. includes a specification of a timestamp). Given the intended broad application of the Meyerzon patent, it would have been obvious to a person of ordinary skill in the database art at the time of Applicant's invention to modify the Meyerzon reference to include the channel definition file (CDF) since the reference already talks about files in general and also talk about HTML files being retrieved from the Web servers, which is similar to what is in the instant application (Pages 1-3 and Page 4, Lines 15-18, i.e. or other data on the website) in

order to maintain the accuracy and the most current up-to-date information stored in the database of the search engine that will be provided to the user (Meyerzon, Col 5, Line 13).

Other Prior Art Made of Record

6. A. Mogul (US Patent No. 6,262,987) discloses a system and method for reducing latencies while translating internet host name-address bindings;

B. Peckover (US Patent No. 6,119,101) discloses intelligent agents for electronic commerce; and

C. Ainsbury et al. (US Patent No. 6,078,924) discloses a method and apparatus for performing data collection, interpretation and analysis, in an information platform.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Points of Contact

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 746-7238 or (703) 746-7239 or (703) 746-7240.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Haythim J. Alaubaidi
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Technology Center 2100
August 10, 2002


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